

### **REMARKS**

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 1 and 3-6 are pending in this case. Claims 1 and 3 are amended herein and claims 2 and 8-20 are cancelled herein. Claim 7 stands withdrawn.

The Examiner rejected claims 1-4, and 6 under 35 U.S.C. 102(b) as being anticipated by Kim (U.S. Patent 6,297,128B1).

Applicant respectfully submits that claim 1 is unanticipated by Kim et al as there is no disclosure or suggestion in the reference of placing at least one stress adjustor adjacent an active area, wherein placing the stress adjustor includes removing portions of the silicon substrate to form at least two trenches, wherein a portion of the silicon substrate remaining between the at least two trenches forms the stress adjustor and filling the trenches with a material comprising the isolation structure, wherein the stress adjustor and a first of the at least two trenches are located between a portion of a second of the at least two trenches and the active area. Kim teaches an isolation structure with stress reduction properties. The isolation structure of Kim is formed by successive conformal depositions. While Fig. 2 of Kim shows two isolation structures, there is no stress adjustor formed by substrate between the two isolation structures. As taught in Kim, the stress layers are formed within each trench/isolation structure as opposed to the portion of the silicon substrate remaining between the at least two trenches forming the stress adjustor as required by the claim. Instead, the substrate between the two trenches of Kim is the active area. Accordingly, Applicant respectfully submits that claim 1 and the claims dependent thereon are unanticipated by Kim.

Applicant respectfully submits that claim 3 is unanticipated by Kim as there is no disclosure or suggestion in the reference of placing the stress adjustor including the

steps of removing a portion of the isolation structure to form a trench and filling the trench with an insulator. Kim teaches successive conformal depositions to form an isolation structure. Kim does not teach removing a portion of the isolation structure to form a trench. While the conformal deposition of Kim results in a smaller and smaller trench to be filled, but there is no disclosure or suggestion of removing a portion of the isolation structure to form a trench. Accordingly, Applicant respectfully submits that claim 3 and the claims dependent thereon are unanticipated by Kim.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Kim (U.S. Patent 6,297,128B1) in view of Wolf (page 459).

Applicant respectfully submits that claim 5 is patentable over Kim in view of Wolf for the same reasons discussed above relative to claim 3 from which claim 5 depends.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 1-6. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,

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